

ORDINANCE NO. 10-31

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA GRANTING A 12-FOOT WIDE EASEMENT TO FLORIDA POWER & LIGHT COMPANY, A FLORIDA CORPORATION, FOR CONSTRUCTION, REPAIR AND REPLACEMENT OF ITS UNDERGROUND FACILITIES IN ORDER TO SERVE THE MILANDER PARKING GARAGE LOCATED WITHIN MILANDER PARK, IN SUBSTANTIALLY THE FORM AS ATTACHED. **PROPERTY LOCATED INSIDE MILANDER PARK, 4700 PALM AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of April 28, 2010 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The City of Hialeah, Florida grants a 12-foot wide easement to Florida Power & Light Company, a Florida corporation, for construction, repair and replacement of its underground facilities in order to serve the Milander Parking Garage located within Milander Park. The property is located inside Milander Park, 4700 Palm Avenue, Hialeah, Miami-Dade County, Florida and the easement is legally described as follows:

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF THE SOUTH ½ OF TRACT 3, FLORIDA RANCH AND DAIRY CORP, IN SECTION 6,

TOWNSHIP 53, RANGE 41, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 113, OF PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, WITH THE WEST RIGHT-OF-WAY LINE OF PALM AVENUE, CITY OF HIALEAH; THENCE WESTERLY ALONG SAID NORTH LINE OF TRACT 3, A DISTANCE OF 286.40 FEET TO THE POINT OF BEGINNING OF A 12-FOOT EASEMENT; THENCE SOUTHERLY DEFLECTING TO THE LEFT 90° FOR 27.00 FEET TO A POINT 3 FEET NORTH OF THE GARAGE PARKING BUILDING NORTH WALL; THENCE WESTERLY DEFLECTING TO THE RIGHT 90° FOR 12 FEET; THENCE NORTHERLY DEFLECTING TO THE RIGHT 90°, TO THE NORTH LINE OF THE SOUTH ½ OF SAID TRACT 3, A DISTANCE OF 27.00 FEET; THENCE EASTERLY DEFLECTING TO THE RIGHT 90° ALONG SAID NORTH LINE OF TRACT 3, A DISTANCE OF 12.00 TO THE POINT OF BEGINNING.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent

jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

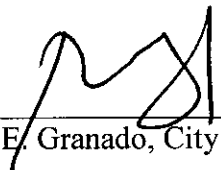
PASSED and ADOPTED this 25th day of May, 2010.



Carlos Hernandez
Council President

Attest:

Approved on this 27 day of May, 2010.



Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

S:\WMG\LEGISLAT\ORD\Ordinance 2010\FPL\Leasementmilanderpark.docx

Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes."

Work Order No. 3774756

EASEMENT
This Instrument Prepared By

Sec. , Twp S, Rge E

Name: William M. Grodnick

Parcel I.D. #
(Maintained by County Appraiser)

Co. Name: City of Hialeah

Address: 501 Palm Avenue
Hialeah, Florida 33010

CFN 2010RD499171
DR Bk 27364 Pgs 3986 - 3991; (6pgs)
RECORDED 07/26/2010 14:34:02
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its licensees, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of ~~overhead~~ ^{underground} and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement 12 feet in width (the approximate location of which is shown in the sketch on Page 2 of this instrument) located within the following described property:

Reserved for Circuit Court

Commencing at the intersection of the of the North line of the South ½ of Tr. 3 of "Florida Ranch and Dairy Corp." in Sec. 6-53-41 according to the Plat thereof as recorded in Plat Book 7 Page 113 of Miami-Dade County, Fla. with the West right of way line of Palm Avenue in the City of Hialeah, Fl.; Thence Westerly along said North line of Tract 3 a distance of 286.40 feet to the Point of Beginning of a 12 foot easement; Thence Southerly deflecting to the left 90 degrees 27.00 feet to a point 3 feet North of the Garage Parking Building North wall; Thence Westerly deflecting to the right 90 degrees for 12.00 feet; Thence Northerly deflecting to the right 90 degrees, to the North line of the South ½ of said Tract 3 a distance of 27.00 feet; Thence Easterly deflecting to the right 90 degrees along said North line of Tract 3 a distance of 12.00 feet to the Point of Beginning.

Together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for communications purposes; the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the land heretofore described, ~~over~~ ^{underground} along, under and across the roads, streets or highways adjoining or through said property.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on , 19 .

Signed, sealed and delivered
in the presence of:

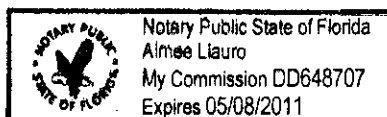
William Grodnick
(Witness Signature)
Print Name William Grodnick
(Witness)

Carlos Lopez
(Witness Signature)
Print Name Carlos Lopez
(Witness)

City of Hialeah
(Corporate's Name)
By: [Signature]
(President's signature)
Print Name: Mayor Julio Robaina
Print Address: 501 Palm Avenue
Hialeah, Florida 33010
Attest: [Signature]
(Secretary's Signature)
Print Name: Rafael E. Granado, City Clerk
Print Address: 501 Palm Avenue
Hialeah, Florida 33010

(Corporate Seal)

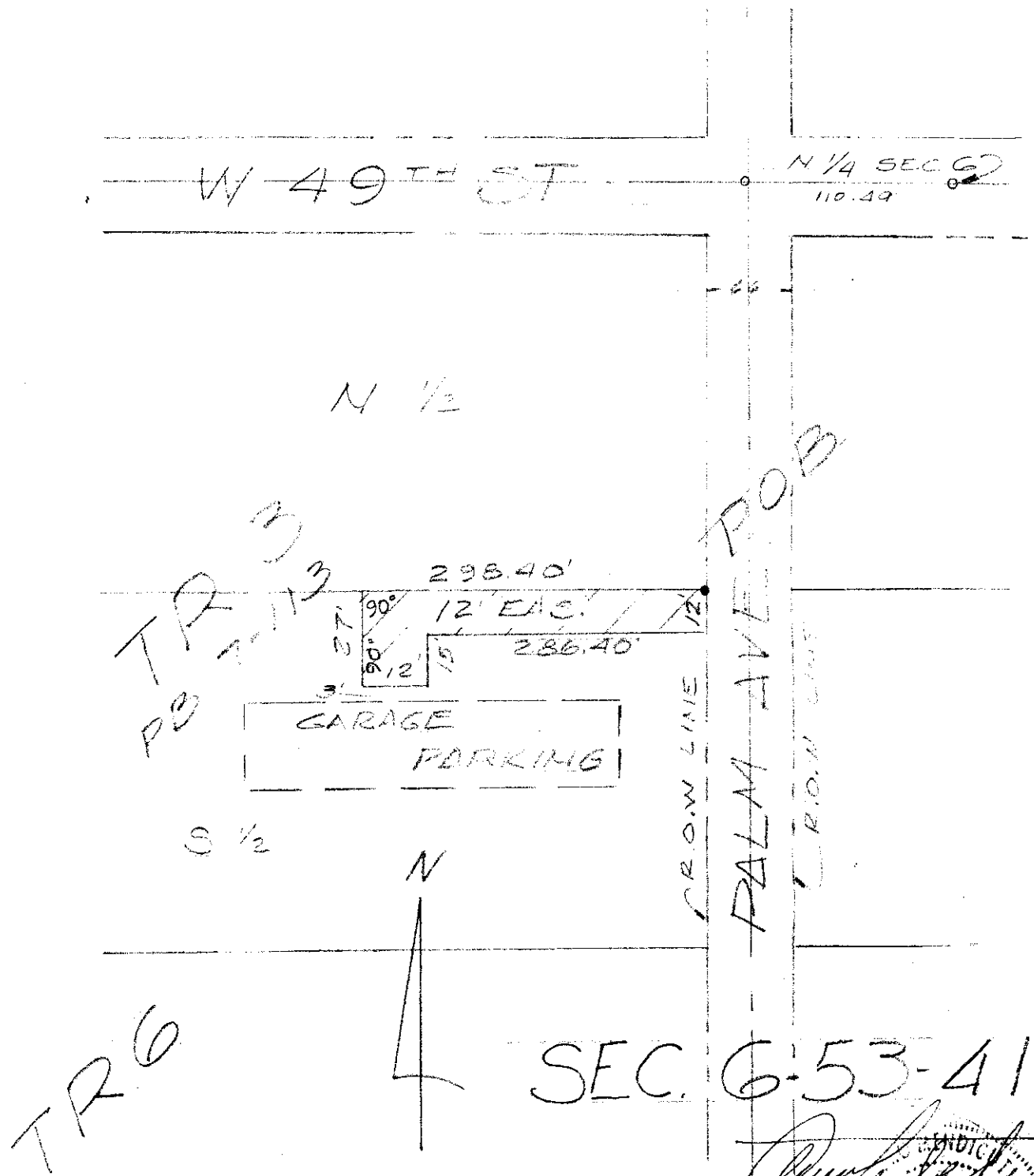
STATE OF Florida AND COUNTY OF Miami-Dade. The foregoing instrument was acknowledged before me this 27 day of May, 2010 by Julio Robaina, and Rafael E. Granado respectively the Mayor and City Clerk of the City of Hialeah, a Fl. Municipal corporation, on behalf of said corporation, who are personally known to me or have produced as identification, and who did (did not) take an oath. My Commission Expires: (Type of Identification)



[Signature]
Notary Public, Signature
Print Name Aimee Liauro

SKETCH OF LEGAL DESCRIPTION

N.T.S.



LEGEND:

P.O.B. POINT OF BEGINNING
R.O.W. RIGHT OF WAY LINE
NTS NOT TO SCALE

ARTURO MENDIGLIA

P.S.M. #5844
State of Florida

REGISTERED SURVEYOR

ORDINANCE NO. 10-31

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA GRANTING A 12-FOOT WIDE EASEMENT TO FLORIDA POWER & LIGHT COMPANY, A FLORIDA CORPORATION, FOR CONSTRUCTION, REPAIR AND REPLACEMENT OF ITS UNDERGROUND FACILITIES IN ORDER TO SERVE THE MILANDER PARKING GARAGE LOCATED WITHIN MILANDER PARK, IN SUBSTANTIALLY THE FORM AS ATTACHED. **PROPERTY LOCATED INSIDE MILANDER PARK, 4700 PALM AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of April 28, 2010 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The City of Hialeah, Florida grants a 12-foot wide easement to Florida Power & Light Company, a Florida corporation, for construction, repair and replacement of its underground facilities in order to serve the Milander Parking Garage located within Milander Park. The property is located inside Milander Park, 4700 Palm Avenue, Hialeah, Miami-Dade County, Florida and the easement is legally described as follows:

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF THE SOUTH ½ OF TRACT 3, FLORIDA RANCH AND DAIRY CORP, IN SECTION 6,

TOWNSHIP 53, RANGE 41, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 113, OF PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, WITH THE WEST RIGHT-OF-WAY LINE OF PALM AVENUE, CITY OF HIALEAH; THENCE WESTERLY ALONG SAID NORTH LINE OF TRACT 3, A DISTANCE OF 286.40 FEET TO THE POINT OF BEGINNING OF A 12-FOOT EASEMENT; THENCE SOUTHERLY DEFLECTING TO THE LEFT 90° FOR 27.00 FEET TO A POINT 3 FEET NORTH OF THE GARAGE PARKING BUILDING NORTH WALL; THENCE WESTERLY DEFLECTING TO THE RIGHT 90° FOR 12 FEET; THENCE NORTHERLY DEFLECTING TO THE RIGHT 90°, TO THE NORTH LINE OF THE SOUTH ½ OF SAID TRACT 3, A DISTANCE OF 27.00 FEET; THENCE EASTERLY DEFLECTING TO THE RIGHT 90° ALONG SAID NORTH LINE OF TRACT 3, A DISTANCE OF 12.00 TO THE POINT OF BEGINNING.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent

jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.


This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 25th day of May, 2010.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

Attest:

Approved on this 27 day of May, 2010.


Rafael E. Granado, City Clerk


Carlos Hernandez
Council President


Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

S:\WMG\LEGISLATION\ORD\Ordinance 2010\FPLEasementmilanderpark.docx

Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes."